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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION

4 UNITED STATES OF AMERICA (NUMBER 3: 04-240-G
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6 VERSUS (
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8 HOLY LAND FOUNDATION, ET AL. (July 30, 2007

9
10 VOLUME 4
11 TRANSCRIPT OF THE TRIAL
BEFORE THE HONORABLE A. JOE FISH

12
13 A P P E A R A N C E S:

08:26

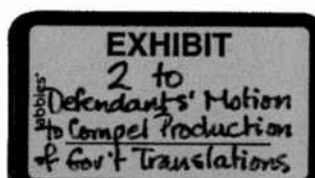
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15 MR. BARRY JONAS
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20
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14:24 1 Egypt to obtain weapons or to smuggle some of the fugitive
2 brothers in the region."

3 Q I.

4 A "The brothers ask Abou Omar to change his place
5 of residence for fear for his safety."

6 Q Do you know if anyone you testified about used
7 the name Abou Omar?

8 A Mousa Abu Marzook, the HAMAS leader.

9 Q K.

10 A "The brothers asked Dr. Al Zahar to open a
11 center for research and studies, and he approved that."

12 Q Is there a person that's been testified about in
13 this case that goes by that name?

14 A Mahmoud Zahar, also a HAMAS leader.

14:25 15 Q L.

16 A There are three investment projects presented by
17 Dr. Al Zahar.

18 Q And N.

19 A N says "The situation of the brothers in jail is
20 good, thanks be to God."

21 Q Now, when you began reading this document, I
22 believe -- Excuse me. I believe it was the earlier
23 document. Okay. If you would go back to the first page.
24 It would be Page 7 of the exhibit. And tell us when this
25 document purports to have been written or the activities

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14:26 1 occurred that it writes about.

2 A The report shows to have been written on June
3 10th, 1991 about a visit to occupied Palestine from May
4 17th through June 4th, 1991.

5 Q Did you attempt to determine if there was anyway
6 to determine if any of the defendants may have been the
7 person that is writing this report?

8 A The previous document that we spoke about just
9 before this one, the 3-8, Occupied Land Fund Report, I was
10 able to date to around the time of May 19, 1991 due to
11 various items that are contained in the letter, and in
12 that report, it says that Brother Shukri Abu Baker was at
13 that time in the Palestinian Territories. So I deduced
14 from that.

14:27 15 MS. HOLLANDER: Objection, your Honor. This is
16 pure speculation, and we object for speculating about what
17 she deduced from the documents.

18 THE COURT: Overruled. You may answer.

19 BY MR. JACKS:

20 Q Well, let me just ask you, you have testified
21 about the reference in the earlier document. I'm sorry.
22 What was that exhibit number?

23 A 3-8.

24 Q And can you show 3-8, Page 6. And in Paragraph
25 C?

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14:27 1 A Yes.

2 Q Just again, the first sentence.

3 A "Brother Shukri is currently making a visit to
4 the inside in order to settle the issues with the
5 organizations and institutions."

6 Q Did you look at any other sources of information
7 to see if you could confirm or disprove whether or not
8 Shukri Abu Baker may have been the person that traveled
9 over there?

10 A I researched records maintained by the United
11 States Customs Service.

12 Q And what are those records called?

13 A They are called TECS records.

14 Q Is that T-E-C-S?

14:28 15 A Correct.

16 MS. HOLLANDER: Objection. Are those on the
17 list?

18 MR. JACKS: Yes.

19 BY MR. JACKS:

20 Q Let me refer you to Government's Exhibit 11-57.
21 Do you have those in front of you, Agent Burns?

22 A Yes, I do.

23 MR. DRATEL: Your Honor, I object because the
24 government's exhibit which they just read from trying to
25 match this is an undated document. I'm not sure how we're

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14:29 1 getting a deduction that it's related to the period of
 2 time.

 3 THE COURT: You can cross examine about that,
 4 Mr. Dratel. Overruled.

 5 BY MR. JACKS:

 6 Q Let me ask you, Agent Burns, is Government's
 7 Exhibit 11-57 a certified copy of government records from
 8 the Treasury Enforcement Communications System?

 9 A Yes.

 10 MR. JACKS: Judge, we move the admission of
 11 Government's Exhibit 11-57.

 12 THE COURT: Any objection? Government's
 13 Exhibit 11-57 is admitted.

 14 BY MR. JACKS:

14:30 15 Q Do you have that in front of you, Agent Burns?

 16 A Yes, I do.

 17 Q Let me ask you, is this a tool or a system that
 18 you use in your work fairly often?

 19 A Yes, it is.

 20 Q And what information generally will it provide
 21 to you?

 22 A Provides records of entries by individuals into
 23 the United States as opposed to exits.

 24 Q Okay. My next question is, does it provide any
 25 information about people leaving the United States, this

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14:31 1 particular system?

2 A No, it does not.

3 Q Strictly when they re-enter the United States;
4 is that correct?

5 A That's correct.

6 Q If you would, go to Page 21 of that exhibit and
7 can you see -- if you would just tell us who the passenger
8 is that is the subject of this information.

9 A Shukri Abu Baker.

10 Q And if you would, is there an entry -- Directing
11 your attention now to Page 23 of the exhibit please, is
12 this still a part of the records pertaining to Shukri Abu
13 Baker?

14 A Yes.

14:32 15 Q And if you go down to the bottom of the page, do
16 you see an entry around June 3rd of 1991?

17 A Yes.

18 Q And what does it show as far as the arrival,
19 where and what other information?

20 A It shows that on June 3rd, 1991, Shukri Abu
21 Baker arrived into the United States at the Charlotte,
22 North Carolina Douglas Airport at approximately 1:02 p.m.

23 Q Is that 1 or 3?

24 A Excuse me. 3.

25 Q And the date for that again?

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14:33 1 A June 3rd, 1991.

2 Q Going back to --

3 MR. DRATEL: Your Honor, I object to the rest of
4 the document coming in at this time. There is a lot of
5 other pages and information in the document that have no
6 relevance or none is established. So I object to any
7 records beyond what was just introduced,

8 THE COURT: Is there any necessity, Mr. Jacks,
9 for the whole document to be admitted at this time?

10 MR. JACKS: Your Honor, to show the context, but
11 we will not refer to it again unless there is an
12 opportunity to discuss this issue.

13 THE COURT: All right. I will overrule the
14 objection based upon Mr. Jacks's representation.

14:34 15 BY MR. JACKS:

16 Q Going back, if you could, to Government's
17 Exhibit 4-6, this document photographed in Ashqar's
18 residence in 1993, the first page of that translation,
19 Number 7, if you could show that, please. And what is the
20 date of that report?

21 A It is dated June 10th, 1991, about a visit to
22 Occupied Palestine from May 17th until June 4th, 1991.

23 Q Do you have Government's Exhibit 3-10 in front
24 of you?

25 A Yes, I do.

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